IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 263 OF 2003

Sunil V. Ratnaparkhi ...Petitioner

V/s.

Satwik Electric Controls Pvt.Ltd. ...Respondents

Ms. Maya Sarkar i/b M/s. Madhukar Munim & Co. for the petitioner

CORAM : ANOOP V. MOHTA,J.

DATED : 19th July, 2007

P.C.

The Petitioner has invoked section 434 and 439 of the Companies Act, 1956 as inspite of repeated communication and letters, the respondent company failed to pay the arrears of wages and allowances aggregating to Rs. 3,36,420/-. The statutory notice was also given on 10-10-2002. The said notice was not accepted with remarks that "company closed and returned to sender". On 4-11-2002 the petitioner affixed the copy of this notice on the gate of the company. The company failed to comply with the statutory notice and the demand raised. The company has also not paid wages of other employees. The Petition, therefore, is filed on 22-1-2003.

2. On 21-11-2003 after considering the above facts,

has admitted the petition directing to advertise in accordance with law.

3. The order was further modified on 20-2-2002. The Petitioner has complied with all the formalities. The affidavit of publication is also filed on 17-7-2007.

4. On 4-2-2005 in Civil application no. 244 of 2007 based on the same averments, this Court has granted injunction and appointed provisional liquidator.

5. Taking all this into account in view of the fact that averments remain uncontroverted till this date as none appeared for respondent company at the time of final hearing of this matter, therefore, averments as made remain undisturbed, the petition is allowed in terms of prayer clause (a) and (b). The parties to take steps in accordance with law.

[ANOOP V. MOHTA, J.]